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*Attorneys for Petitioner Pyramid Lake Paiute Tribe*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,

THE PYRAMID LAKE PAIUTE TRIBE  
OF INDIANS,

Petitioner,

vs.

ORR WATER DITCH CO., et. al.,

Defendants.

**Equity A-3-LDG**

**WITHDRAWAL AND DISMISSAL OF  
CLAIM WITH PREJUDICE; ORDER  
(Smitten E.M. & Warner M.G./Pyramid Lake  
Paiute Tribe)**

Pursuant to Fed.R.Civ.P. 41, Petitioner Pyramid Lake Paiute Tribe, successor in interest to Respondents, E. M. SMITTEN & M. G. WARNER, hereby withdraws and dismisses with prejudice the following claim asserted in the Tribe's Petition to Declare that Certain Claimed Water Rights within the Truckee Division of the Newlands Reclamation Project Do Not Exist:

PLPT Ref. #	Township	Range	Sec	QQ Sec	Acres	TCID No.	Name(s)
2879	20	24	10	15	0.9	1001-Y	Smitten, E.M. & Warner, M.G.

Therefore, the whole of PLPT Reference Number 2879 is hereby withdrawn and dismissed with prejudice. No other claims are dismissed and the Tribe expressly reserves all its rights to prosecute any and all other claims in the Petition.

**WOLF, RIFKIN, SHAPIRO,  
SCHULMAN & RABKIN, LLP**

Dated: August 24, 2012

/s/ Don Springmeyer  
Don Springmeyer, Esq.  
Christopher W. Mixson, Esq.  
*Attorneys for Petitioner Pyramid Lake Paiute Tribe*

**ORDER**

It is so ordered.

Dated: 27 Aug 2012

  
UNITED STATES DISTRICT JUDGE